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Manning, Caliendo & Thompson
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National Home Funding, Inc., and Robert Skowrenski, II

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC., : Civil Action No. 97-cv-3496 (DRD)(MAS)

Plaintiff, : Hon. Magistrate Judge Michael Shipp

vs. :

CRISTO PROPERTY :
MANAGEMENT, a/k/a G.J.L. :
LIMITED; DEK HOMES OF NEW :
JERSEY, INC.; OAKWOOD :
PROPERTIES, INC.; NATIONAL :
HOME FUNDING, INC.; CAPITAL :
ASSETS PROPERTY :
MANAGEMENT, L.L.C.; :
WILLIAM KANE; GARY :
GRIESER; ROBERT :
SKOWRENSKI, II; RICHARD :
CALANNI; RICHARD :
DiBENEDETTO; JAMES R. :
BROWN; THOMAS BRODO; :
ROLAND PIERSON; STANLEY :
YACKER, ESQ.; MICHAEL :
ALFIERI, ESQ.; RICHARD :
PEPSNY, ESQ.; ANTHONY M. :
CICALESE, ESQ.; LAWRENCE :
CUZZI; ANTHONY D'APOLITO; :
DAP CONSULTING, INC.; :
COMMONWEALTH LAND TITLE :
INSURANCE CO.; NATIONS :
TITLE INSURANCE OF NEW

**NOTICE OF MOTION TO
SEAL MATERIALS**

YORK, INC.; FIDELITY :
NATIONAL TITLE INSURANCE :
CO. OF NEW YORK; COASTAL :
TITLE AGENCY; DONNA :
PEPSNY; WEICHERT :
REALTORS; and VECCHIO :
REALTY, INC., D/B/A MURPHY :
REALTY BETTER HOMES and :
GARDENS, :

Defendants. :

TO: United States District Court
U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

MOVING PARTY: Vincent P. Manning, Esq. (VMP 7005)
Manning, Caliendo & Thomson, P.A.
36 West Main Street
Freehold, New Jersey 07728
Attorneys for Plaintiff

RETURN DATE: November 16, 2009 (L. Civ. R. 5.3(c)(1))


RELIEF SOUGHT: For an Order as follows:

(1) Order to Seal

SUPPORTING
DOCUMENTATION: Certification, Letter Brief

MANNING, CALIENDO & THOMSON, P.A.

Dated: November 5, 2009

By: 
VINCENT P. MANNING
Attorney for the Defendants
Robert Skowrenski, II and
National Home Funding, Inc.

Vincent P. Manning (VPM 7005)
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**CERTIFICATION OF
VINCENT P. MANNING**

CO. OF NEW YORK; COASTAL :
TITLE AGENCY; DONNA
PEPSNY; WEICHERT :
REALTORS; and VECCHIO
REALTY, INC., D/B/A MURPHY :
REALTY BETTER HOMES and
GARDENS, :

Defendants. :

1. I am an attorney at law in the state of New Jersey and a partner of the law firm of Manning, Caliendo & Thomson, P.A., attorneys for the defendants, Robert Skowrenski, II and National Home Funding in the above entitled action, having full knowledge of the facts herein.

2. On October 13, 2009 and October 26, 2009, I filed a Motion to Enforce Settlement before Magistrate Judge Shipp and District Judge Debevoise respectively. (Doc. 354 and Doc. 359).

3. Included in the motion papers is a Certification of Michael D. Schottland, Esq. In paragraph 12, Mr. Schottland refers to Exhibit "D" attached to his Certification.

4. I have received documentation from counsel for plaintiff objecting to the disclosure of Exhibit "D" to the Certification of Michael D. Schottland and requesting that Exhibit "D" to the Certification of Michael D. Schottland be sealed pursuant to an Order to Seal.

5. Defendants Robert Skowrenski, II and National Home Funding have no objection to the entry of an Order to Seal Exhibit "D" to the Certification of Michael D. Schottland. I understand the position of the plaintiff to be that notwithstanding the filing of the Fourth Amended Complaint on July 10, 2009 (Doc. 302), certain confidentiality

provisions in Exhibit "D" to the Certification of Michael D. Schottland remain operative.

6. The plaintiff's litigation strategy may depend upon, and thus represents a legitimate private interest in, Exhibit "D" to the Certification of Michael D. Schottland, warranting the Order to Seal.

7. Should the instant Motion to Seal be denied, the plaintiff's litigation strategy may be hindered by the disclosure of the confidential information sought to be sealed.


8. There is no less restrictive alternative to the relief sought available.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

MANNING, CALIENDO & THOMSON,

Dated: November 5, 2009

By:



VINCENT P. MANNING
Attorney for the Defendants
Robert Skowrenski, II and
National Home Funding, Inc.

LAW OFFICES
MANNING, CALIENDO & THOMSON
A PROFESSIONAL ASSOCIATION

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OF COUNSEL

* CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY

November 5, 2009

Hon. Magistrate Judge Michael Shipp
United States District Court
U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

RE: Walsh Securities v. Cristo Property Management, et al.
USDC, District of New Jersey
Civil Action No.: 97-3496 (DRD)(MAS)
Moving Party: Vincent P. Manning, Esq. (VPM 7005)
Attorney for Defendant Skowrenski and National Home Funding
Motion Returnable: November 16, 2009

Dear Judge Shipp:

I represent defendants, Robert Skowrenski and National Home Funding, Inc. in the above captioned matter. I filed a Notice of Motion to Enforce Settlements which would result in the dismissal of all claims against defendants Skowrenski, II and National Home Funding, Inc. In support of the motion, I filed a Certification of Michael D. Schottland, prior counsel to Mr. Skowrenski and National Home Funding, Inc. Attached to Mr. Schottland's Certification is a document referred to as Exhibit "D." Plaintiff objects to the filing of Exhibit "D" to the Certification of Michael D. Schottland, as it contends that notwithstanding the filing of the Fourth Amended Complaint, certain confidentiality provisions in Exhibit "D" to the Certification

LAW OFFICES

MANNING, CALIENDO & THOMSON, P.A.

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of Michael D. Schottland remain operative. I, therefore, filed this Motion to Seal to satisfy plaintiff's objections based on the potential effect on plaintiff's litigation strategy. Defendants' proposed form of Order to Seal Materials is attached.

Respectfully submitted,


VINCENT P. MANNING

VPM/dje

Enc.

Vincent P. Manning (VPM 7005)
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC., : Civil Action No. 97-cv-3496 (DRD)(MAS)
Plaintiff, : Hon. Magistrate Judge Michael Shipp

vs. :

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MANAGEMENT, a/k/a G.J.L. :
LIMITED; DEK HOMES OF NEW : **ORDER TO SEAL**
JERSEY, INC.; OAKWOOD :
PROPERTIES, INC.; NATIONAL :
HOME FUNDING, INC.; CAPITAL :
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GARDENS, :

Defendants. :

This matter having been opened to the Court on application of defendants Robert Skowrenski, II and National Home Funding, Inc., Vincent P. Manning, Manning, Caliendo & Thomson, 36 West Main Street, Freehold, New Jersey 07728, and for good cause shown,

IT IS ON THIS _____ day of _____, 2009, hereby Ordered pursuant to Local Civil Rule 5.3(c) as follows:

1. The Court, having reviewed the documents submitted hereto, finds that: Exhibit "D" to the Certification of Michael D. Schottland contains confidential information; the plaintiff's litigation strategy represents a legitimate private interest in the confidentiality provisions of the Agreement warranting this Order to Seal; in the absence of this Order, the plaintiff's litigation strategy may be hindered by the public disclosure of the confidential information sought to be sealed; and there is no less restrictive alternative to the relief sought available;

2. Exhibit "D" to the Certification of Michael D. Schottland in this case shall be solely used for the purposes of this litigation and for no other purpose;

3. Hereinafter, Exhibit "D" to the Certification of Michael D. Schottland shall be treated as confidential information and shall be stamped by the party producing it under the designation "confidential materials."

4. Exhibit "D" of the Certification of Michael D. Schottland shall be examinable only by the Court, counsel for the plaintiff, counsel for defendants Skowrenski, II and National Home Funding, Inc., counsel's employees, and third party consultants or experts retained by counsel for assistance with respect to this lawsuit only, if necessary in connection with this litigation;

5. Hereinafter, Exhibit "D" shall be filed with or presented to the Court or included in briefs, memoranda or other papers filed with the court in a sealed envelope bearing the legend "this envelope filed in this case by (include the name of the party), may not be opened nor the contents revealed except by prior order of this Court."

6. All oral presentations to the court referencing Exhibit "D" to the Certification of Michael D. Schottland are to be held in camera until such time as the Court orders otherwise;

7. If counsel for the plaintiff or counsel for defendants Skowrenski, II and National Home Funding, Inc. desires to use Exhibit "D" of the Certification of Michael D. Schottland, said counsel must first disclose to opposing counsel the person to whom he or she desires to give or disclose the document or confidential information and obtain the written permission of opposing counsel. Furthermore, each person besides counsel for the parties and counsel's employees to whom such material is to be given or made available must agree in writing not to disclose or use the information except in accordance with the terms of this Order. If the consent of opposing counsel is not given

within ten business days after the request is made, the requesting party may seek leave of Court on notice to make the disclosure in question. Each attorney of record shall maintain a file of all written agreements signed by persons who have received Exhibit "D" to the Certification of Michael D. Schottland after the date of this Order. This file, shall, on request, be available for inspection or copying by the Court, counsel for the plaintiff, or counsel for defendants Skowrenski, II and National Home Funding, Inc. If, during the course of any depositions, counsel for the parties in this litigation asserts that an answer to a specific inquiry is subject to this Order, the question and answer will be sealed and subject to disclosures as set forth herein;

8. Exhibit "D" to the Certification of Michael D. Schottland may be given or shown only to those persons to whom it is necessary that the material be shown for purposes of this litigation. Each such person must sign the agreement set forth above;

9. Upon the entry of this Order, the Clerk is hereby directed to remove from the Court's electronic filing system, and seal, Exhibit "D" to the Certification of Michael D. Schottland;

Hon. Magistrate Judge Michael Shipp